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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Dzau et al. Docket No.: 39753-0021
Serial No.: 09/839,752 Group Art Unit: 1636
Filing Date: April 19, 2001 Examiner: Marvich, Maria
For: THERAPEUTIC USE OF CIS-ELEMENT DECOYS IN VIVO

#16/D

AMENDMENT AND PETITION UNDER 37 C.F.R. § 1.78(a) (3) TO ACCEPT
UNINTENTIONALLY DELAYED PRIORITY CLAIM UNDER 35 U.S.C. 120

BOX DAC
Office of Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RECEIVED
JUN 02 2003
OFFICE OF PETITIONS

Dear Sir:

AMENDMENT

Repln. Ref: 06/24/2003 CKHLOK 0013045700
DAH:081641 Name/Number:09839752
FC: 9204 \$1300.00 CR

Please amend the specification by inserting the following paragraph after the title:

This application is a continuation of copending U. S. Patent Application Serial No. 08/524,206 filed September 8, 1995, which is a continuation of U. S. Patent Application Serial No. 08/144,717 filed October 29, 1993, now abandoned, from which applications priority is claimed under 35 U.S.C. § 120.

Adjustment date: 00/00/0000
05/29/2003 NMOHAMM1 00000032 09839752
01 FC:1454 -1300.00 OP

PETITION

Applicants hereby petition the Assistant Commissioner under 37 C.F.R. §1.78(a)(3) to accept the entry of the foregoing unintentionally delayed priority claim under 35 U.S.C. 120.

CERTIFICATE OF MAILING (37 CFR 1.8(a))

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited on May 23, 2003, with the U.S. Postal Service as first class mail in an envelope addressed to: Mail Stop: DAC, Office of Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: May 23, 2003

Cheryl Rogers
Cheryl Ann Rogers

05/29/2003 NMOHAMM1 00000032 09839752

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1300.00 OP

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Application No.: 09/839,752
Filed: April 19, 2001

The entire delay between the date the claim was due under 37 C.F.R. § 1.78(a)(2) and the date of filing this petition was unintentional.

Applicants attempted to claim priority by including a statement in the application transmittal papers, under the heading "PRIORITY INFORMATION," stating "This application is a continuation of and claims priority from United States application 08/524,206, filed September 8, 1995, which is a continuation of 08/144,717 filed October 29, 1993." Enclosed herewith is a copy of the transmittal with this statement.

SURCHARGE SET FORTH IN 37 C.F.R. § 1.17(t)

Enclosed herewith is a check in the amount of \$1,300 in payment of the surcharge under 37 C.F.R. § 1.17(t).

Please charge any additional fees due, or credit overpayment to Deposit Account No. 08-1641.

Respectfully submitted,

Dated: May 23, 2003

By: 

Ginger R. Dreger
Registration No. 33,055

HELLER EHRMAN WHITE & MCAULIFFE LLP

Customer No. 25213

275 Middlefield Road

Menlo Park, California 94025-3506

Telephone: (650) 324-7115

Facsimile: (650) 324-0638

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